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SEP 29 2008

In re Patent No. 6,983,180 : DECISION ON REQUEST FOR
Toth et al. : RECONSIDERATION OF
Issue Date: January 3, 2006 : PATENT TERM ADJUSTMENT
Application No. 10/065,450 : and
Filed: October 18, 2002 : NOTICE OF INTENT TO ISSUE
Atty Docket No. GEMS8081.138 : CERTIFICATE OF CORRECTION

This is a decision on the "PETITION FOR PATENT TERM ADJUSTMENT RECONSIDERATION UNDER 37 C.F.R. §1.705(d)," filed January 10, 2006. A status inquiry was filed on September 16, 2008. Patentee requests that the patent term adjustment indicated on the face of the patent be corrected from two hundred seventy-eight (278) days to three hundred sixteen (316) days.

The request for reconsideration of the patent term adjustment indicated in the patent is **GRANTED**.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of THREE HUNDRED SIXTEEN (316) days.

On January 3, 2006, the above-identified application matured into U.S. Patent No. 6,983,180, with a revised patent term adjustment of 278 days. The initial determination of patent term adjustment was increased by 36 days, pursuant to 37 CFR 1.702(a)(4) and 1.703(a)(6) for the Office taking in excess of four months to issue the patent after payment of the issue fee and satisfaction of all outstanding requirements. On January 10, 2006, patentee timely submitted this request for reconsideration of patent term adjustment (with required fee) within 2 months of the issuance of the patent. Patentee asserts that the period of delay for late issuance of the patent was incorrectly calculated based on the issue fee payment being

received on July 28, 2005. However, the issue fee payment was received on June 21, 2005, and thus, the correct period of adjustment, pursuant to 37 CFR 1.702(a)(4) and 1.703(a)(6), is 74 days.

Pertinent to this case, 37 C.F.R. § 1.703(a) provides that: The period of adjustment under § 1.702(a) is the sum of the following periods:

(6) The number of days, if any, in the period beginning on the day after the date that is four months after the date the issue fee was paid and all outstanding requirements were satisfied and ending on the date a patent was issued.

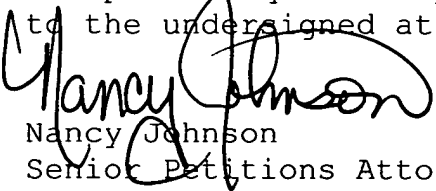
Patentee is correct. A review of the record confirms that the issue fee was paid and all outstanding requirements were met on June 21, 2005, not July 28, 2005. (An issue fee transmittal filed on July 28, 2005 in another application was entered in this application in error. The transmittal has been moved to the correct application). Thus, the period of adjustment for this Office delay is 74 days, not 36 days.

In view thereof, the patent should have issued with a revised patent term adjustment of three hundred sixteen (316) days.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The Certificates of Correction Branch has been advised of this decision. The Certificates of Correction Branch is thereby forwarded this application for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **three hundred sixteen (316)** days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.


Nancy Johnson
Senior Patents Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 6,983,180 B2
DATED : January 3, 2006
INVENTOR(S) : Toth et al.

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 278 days

Delete the phrase "by 278 days" and insert – by 316 days--